

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) JUSTIN HARLOW,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. <u>CIV-15-1313-D</u>
	)	
(1) ONEAMERICA SECURITIES, INC.,	)	Removed from District Court of
(2) GOLDEN RULE INSURANCE	)	Oklahoma County CJ-2015-5684
COMPANY administered by THE	)	
STATE LIFE INSURANCE CO., and	)	
(3) ONEAMERICA FINANCIAL	)	
PARTNERS, INC.,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

Defendants OneAmerica Securities, Inc., Golden Rule Insurance Company, and OneAmerica Financial Partners, Inc. (collectively, “Defendants”) file this Notice of Removal under 28 U.S.C. §§ 1441 and 1446, and Rules 81.1 and 81.2 of the Local Civil Rules of the United States District Court for the Western District of Oklahoma for removal from the District Court of Oklahoma County, Oklahoma, Case No. CJ-2015-5684, to this Court. This cause is removable pursuant to 28 U.S.C. § 1332, because there is complete diversity of citizenship between Plaintiff and Defendants and the amount in controversy exceeds \$75,000, exclusive of interest and costs. *See* 28 U.S.C. § 1332; *Lovell v. State Farm Mut. Auto Ins. Co.*, 466 F.3d 893, 897 (10th Cir. 2006). In support of this motion, Defendants

respectfully show the Court as follows:

1. Plaintiff Justin Harlow (“Plaintiff”) initiated this civil action in the District Court of Oklahoma County, Oklahoma, on October 19, 2015. A true and correct copy of the state court docket sheet is attached hereto as Exhibit 1, and true and correct copies of all process and pleadings are attached hereto as Exhibits 2-9. *See* 28 U.S.C. § 1446; LCvR81.2. These documents are incorporated herein by reference.

2. Defendants One America Securities, Inc., Golden Rule Insurance, and OneAmerica Financial Partners each were served by summons dated October 27, 2015. This Notice of Removal is timely pursuant to Rule 6(a) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1446(b).

3. The United States District Court for the Western District of Oklahoma is the federal judicial district covering the District Court of Oklahoma County, Oklahoma, where Plaintiff originally filed this suit. Venue is therefore proper pursuant to 28 U.S.C. § 81(b)(1) and § 1441(a).

#### **DIVERSITY OF CITIZENSHIP**

4. Defendant OneAmerica Securities, Inc. is incorporated in Indiana and its principal place of business is Indianapolis, Indiana.

5. Defendant Golden Rule Insurance Company is a domestic insurance corporation incorporated in Indiana and its principal place of business is

Indianapolis, Indiana. The Complaint alleges that Golden Rule is administered by The State Life Insurance Company, which also is a domestic insurance corporation in Indiana and has its principal place of business in Indianapolis, Indiana.

6. Defendant OneAmerica Financial Partners, Inc. is incorporated in Indiana and its principal place of business is Indianapolis, Indiana.

7. Plaintiff is not a citizen or resident of Indiana. On information and belief, Plaintiff is a citizen and resident of Arizona.

8. Defendants thus are not now, and were not at the time of the filing of the Complaint, a citizen or resident of the same state as Plaintiff within the meaning of the Acts of Congress relating to the removal of cases. *See generally Hertz Corp. v. Friend*, 559 U.S. 77, 87-88 (2010).

### **AMOUNT IN CONTROVERSY**

9. Plaintiff's Complaint alleges breach-of-contract and bad-faith claims against Defendants and seeks \$275,000 in compensatory damages plus interest, attorney's fees, and costs. (*See* Complaint at ¶ 1.) It is well-settled that, for the purposes of removal, "[t]he amount in controversy is determined by looking to the pleadings at the time of removal." *Lee v. ConocoPhillips Co.*, No. CIV-14-1391-D, 2015 WL 4993261, at \*1 n.2 (W.D. Okla. Aug. 20, 2015). Plaintiff expressly seeks compensatory damages well in excess of \$75,000, satisfying the amount-in-controversy requirement for removal under 28 U.S.C. §1332.

10. Defendants deny that they, individually or collectively, breached the relevant insurance contract and deny that they acted in bad faith. Nonetheless, in evaluating whether subject-matter jurisdiction exists for the purposes of removal, the Court need only look to what amount is “in controversy.” *See id.*

**COMPLIANCE WITH 28 U.S.C. § 1441**

11. A copy of this Notice of Removal is being filed with the Clerk of the District Court of Oklahoma County, Oklahoma, as provided by law, and written notice is being sent to Plaintiff’s counsel.

12. All Defendants join in this notice and consent to the removal of this action.

13. The prerequisites for removal under 28 U.S.C. § 1441 have been met.

14. The allegations of this Notice are true and correct and within the jurisdiction of the United States District Court for the Western District of Oklahoma, and this cause is removable to the United States District Court for the Western District of Oklahoma.

15. If any question arises as to the propriety of the removal of this action, Defendants respectfully request the opportunity to present a brief and oral argument in support of its position that this cause is removable. *See, e.g., Samson Res. Co. v. Valero Mktg. & Supply Co.*, No. CIV-09-0272-HE, 2009 WL 4042912, at \*1 (W.D. Okla. Nov. 19, 2009).

**WHEREFORE, PREMISES CONSIDERED,** Defendants OneAmerica Securities, Inc., Golden Rule Insurance Company, and OneAmerica Financial Partners, Inc., by and through their counsel, desiring to remove this civil action to the United States District Court for the Western District of Oklahoma, being the district and division for the county in which such civil action is pending, pray that the filing of this Notice of Removal, the giving of written notice thereof to Plaintiff, and the filing of a copy of this Notice of Removal with the clerk of the District Court of Oklahoma County, Oklahoma, shall effect the removal of said civil action to this Honorable Court.

Respectfully submitted this 30th day of November, 2015.

Respectfully submitted,

s/Lance E. Leffel  
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*Attorney for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was mailed with proper postage thereon on this 30th day of November, 2015, to the following parties:

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s/Lance E. Leffel  
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Lance E. Leffel